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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,666	01/15/2002	Michael E. Barrett	101-0005US	5277

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EXAMINER

RIMELL, SAMUEL G

ART UNIT PAPER NUMBER

2165

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/047,666	<b>Applicant(s)</b> BARRETT ET AL.	
	<b>Examiner</b> Sam Rimell	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Edlund et al. (U.S. Patent 6,546,388).

Claim 1: Col. 8, line 40-62 describe the performance of a search query. The query produces search results and a relevancy score (referred to as relevancy ranking at col. 8, line 58). The relevancy ranking is then weighted by popularity (col. 8, line 61 through col. 9, lines 1-5). Popularity is an inflation factor that relates to previous uses.

Claim 2: As seen from the table of col. 9, lines 36-42, the popularity is a count of previous hits or uses of the same website.

Claim 3: The ranking scheme disclosed Edlund et al. involves taking a search result and a relevancy score and weighting the relevancy score with popularity and document recency factors. This produces an overall score, which is an enhanced popularity score used for ranking results. The system of Edlund et al. can be fairly defined as being limited to ranking search results by the enhanced popularity score.

Claim 4: The popularity counts described at col. 9, lines 36-42 form a weighting value for each search result. This weighting value is an inflation score. The inflation score is adaptive in that it can constantly change (the popularity counts change as the website receives more hits).

Claim 5: The overall rank applied to the search results is a blend of three factors: (1) content relevance value (2) popularity; and (3) document recency.

Claim 6: The table illustrated in col. 9, lines 36-42 is a database. It is a relational database having rows related to columns. The popularity score is shown in the far right column. The score is enhanced by the inclusion of version numbers. The URLs are the information that is indexed in the database. The URLs are indexed by version number.

Claim 7: The information in the database of col. 9, lines 36-42 are URLs derived from the Internet.

Claim 8: Each URL is a discrete piece of data that is wholly contained with the database table of col. 9, lines 36-42.

Claim 9: Col. 8, lines 40-62 describe a search query producing search results. Each search result has a relevancy value that is weighted by time decay rate (document recency—col. 8, lines 62-63 and col. 8, lines 66-67) and use history (version adjusted popularity—col. 8, line 61). The weighted results produce an overall ranking number (col. 9, lines 1-6).

Claim 10: The time decay rate (document recency) and historical use information (version adjusted popularity) are combined to produce a single score.

Claim 11: The version adjusted popularity is influenced by the factors in the table of col. 9, lines 36-42. Any single value of popularity count in the popularity count column can be assigned as actual use rate or expected use rate. The popularity count column compares these different values.

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Claim 12: The values in the popularity count column of col. 9, lines 36-42 are static values for the older version. For the newest version (version 0), the popularity count can be static or can change with hits to the newest version (col. 9, lines 43-52).

Claim 13: Incrementing the popularity count of the newest version is considered a dynamic reassessment.

Claim 14: The time decay rate (document recency) is a factor combined with rate of use (popularity) to produce a final ranking number. The final ranking number is a modification of the time decay rate factor and rate of use factor.

Claim 15: Col. 8, lines 55-62 describe the assignment of time decay information (document recency) to a search result. The time decay information is a number and may inherently may be “high” or “low” lacking any further claim details on what exactly is considered “high” or “low”. Use information (version adjusted popularity) is also tracked. A popularity score (ranking number—col. 9, lines 1-6) is produced from the combination of these factors. The score is provided for each search result, so two scores may be provided if there are two search results. A weighting factor (popularity count derived from col. 9, lines 36-42) is applied to the version adjusted popularity.

Claim 16: The weighting factor is popularity count, which is a rate of use of certain URLs during the time period of measurement.

Claim 17: See remarks for claim 11.

Claim 18: Popularity counts correlate to website traffic.

Claim 19: The popularity counts are calculated by the computer system incrementing a counter. A calculation is readable as an estimate, lacking any further details on how the estimate is made or what kind of estimate is made.

Claim 20: Col. 8, lines 66-67 calls for the retrieval data from documents and the calculation of the documents age. The only manner in which such a calculation could be performed is if the document was time and date stamped and the calculation of document age determined from the time and date stamp. The calculation itself would be the review of the time and date stamp.

Claim 21: The age of the document is calculated (col. 8, lines 66-67).

Claim 22: See remarks for claim 20.

Claim 23: Claim 23 is directed to the intended usage of the code in allowing a user to perform certain actions. It does not define the content of the code and is thus a recitation of intended usage which carries no patentable weight (MPEP 2106, Section C, Example A).

Claim 24: The request is a user query. The information regarding the request is the search result. A calculator calculates an enhanced popularity ranking (col. 8, line 56 through col. 9, line 6).

Claim 25: The information (search results) may include links to websites (URLs—col. 9, lines 36-42).

Claim 26: The system described at col. 8, line 55 through col. 9, line 6 describe weighting factors that can ultimately modify the final score. These factors are described at col. 8, lines 61-62) are invoked when search results are received.

Claim 27: See col. 8, lines 66-67.

Remarks

Applicant's arguments have been considered.

Although applicant does not refer to any specific claims or claim language, applicant argues that the present invention is addressed to a feature where a higher number of clicks performed recently will be weighted more heavily. This argument has been considered, but examiner finds that many of the claims make no suggestion of this feature whatsoever. For example, claim 1 calls for nothing more than creating a relevancy score. Claim 3 calls for nothing more than ranking search results based on a score. As best as can be determined, and unless applicant can provide more specific arguments as which claim is being referred to, examiner finds that none of the claims of record exactly address the features to which applicant is referring. Accordingly, the arguments are moot in relation to the claims of record.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell  
Primary Examiner  
Art Unit 2165